

**STATEMENT OF
CHAIRMAN KEVIN J. MARTIN**

Re: IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers, First Report and Order and Notice of Proposed Rulemaking (WC Docket Nos. 04-36, 05-196)

Today's action seeks to remedy a very serious problem – one quite literally of life or death for the millions of customers that subscribe to VoIP service as a substitute for traditional phone service. Currently, there are many VoIP providers that either do not provide their customers with any access to 911 emergency services or only provide 911 access in certain areas of the country. There are still other VoIP providers that only provide their customers access to a non-emergency line of public safety personnel – a line that does not connect to trained emergency operators, but instead connects to administrative staff who may or may not answer the calls. Because certain VoIP providers do not routinely connect their customers to 911 emergency operators, public safety officials across the country have been unable to address certain calls for help in a timely fashion, resulting in several tragedies. This situation is simply unacceptable.

Anyone who dials 911 has a reasonable expectation that he or she will be connected to an emergency operator; this expectation exists whether that person is dialing 911 from a traditional wireline phone, a wireless phone, or a VoIP phone. Today, we take this action to ensure this expectation is met as soon as possible.

The Order we adopt reaches the following conclusions:

- Interconnected VoIP providers must deliver all 911 calls to the customer's local emergency operator. This must be a standard, rather than optional, feature of the service.
- Interconnected VoIP providers must provide emergency operators with the call back number and location information of their customers (i.e., E911) where the emergency operator is capable of receiving it. Although the customer must provide the location information, the VoIP provider must provide the customer a means of updating this information, whether he or she is at home or away from home.
- By the effective date, interconnected VoIP providers must inform their customers, both new and existing, of the E911 capabilities and limitations of their service.
- The incumbent LECs are required to continue to provide access to their E911 networks to any requesting telecommunications carrier. They must continue to provide access to trunks, selective routers, and E911 databases to competing carriers. The Commission will closely monitor this obligation.

In short, the rules we adopt today require all VoIP providers that permit their customers to receive and place calls over the public-switched telephone network to provide their customers with 911 access. By not dictating the technical means by which providers must come into compliance, we do not impose undue regulation on these services. Although I would have liked to make these rules effective immediately, I recognize that there are technical issues that must be worked out and coordination that must take place with public safety officials before providers can comply. Accordingly, these rules will be effective 120 days from the effective date of this Order. I believe that this timeframe properly balances the nonnegotiable need of VoIP customers to access public safety with the practical need for adequate industry coordination.

To comply with our rules, VoIP providers may interconnect directly with the incumbent LECs'

911 network or purchase access to this network from competitive carriers and other third-party providers. In this regard, I note that incumbent LECs currently have a statutory obligation to provide requesting telecommunications carriers access to their 911 network. I am extremely encouraged by and commend the efforts of the Bell Operating Companies (BOCs) in permitting VoIP providers access to their 911 network. Significantly, each BOC currently offers 911 capability to VoIP providers, and some BOCs have already entered into 911 arrangements with these providers. I recognize that successful nationwide solutions are dependent on the cooperation of VoIP providers, incumbent LECs, third party vendors, and the public safety community. Such cooperation is already taking place in several major markets, and I have every reason to believe that this cooperation will continue throughout the country.

The requirement to provide access to 911 is about public safety. Because the Commission previously found that the VoIP services at issue were interstate, the Commission assumed the responsibility to ensure that basic public safety requirements are implemented and satisfied. Today, we fulfill that responsibility.

I am extremely supportive of fostering innovation and driving the adoption of new technologies, and I firmly believe that the emergency access requirements that we adopt today are compatible with these goals. Congress has mandated that the Commission promote the “safety of life and property.” This obligation transcends new technologies and cannot be compromised.

While the rules we adopt today are a step in the right direction our actions today are not the end of the story. An advanced 911 solution needs to be developed that enables VoIP providers to locate their customers automatically much like wireless providers are able to locate their customers today. Every American deserves ubiquitous and reliable 911 service regardless of the technology that is being used.

The provision of access to 911 should not be optional for any telephone service provider. We need to take whatever actions are necessary to swiftly enforce these requirements to ensure that no lives are lost due to lack of access to 911. t to make our decision today a success.